



Juvenile Restitution

Pursuant to Welfare and Institutions Code § 730.6

Above the Minimum:
W & I § 730.6 (d)(1) and (2)
W & I § 730.6 (e)

In setting a fine in excess of the minimum, the defendant shall bear the burden of proving a lack of ability to pay. Determination of ability to pay includes the defendant's future earning capacity. The court shall consider any relevant factors when setting the fine amount including the seriousness and gravity of the offense, any economic gain and the extent to which the victim(s) suffered. Express findings bearing on the amount of the fine are not required.

Inability to Pay:
W & I § 730.6(h)

Inability to pay is not a compelling and extraordinary reason for waiving the restitution order and should not be considered when determining the amount of the order.

Community Service:
W & I § 730.6(n)

Community service shall be ordered if the restitution fine or order is reduced/waived for compelling and extraordinary reasons stated on the record.

Community Service Waived:
W & I § 730.6(o)

Community services may be waived if compelling and extraordinary reasons are stated on the record.

Parental Liability
W & I § 730.7(a)

Parents(s) or guardian(s) have the burden of showing a lack of ability to pay and the court may consider their future earning capacity.

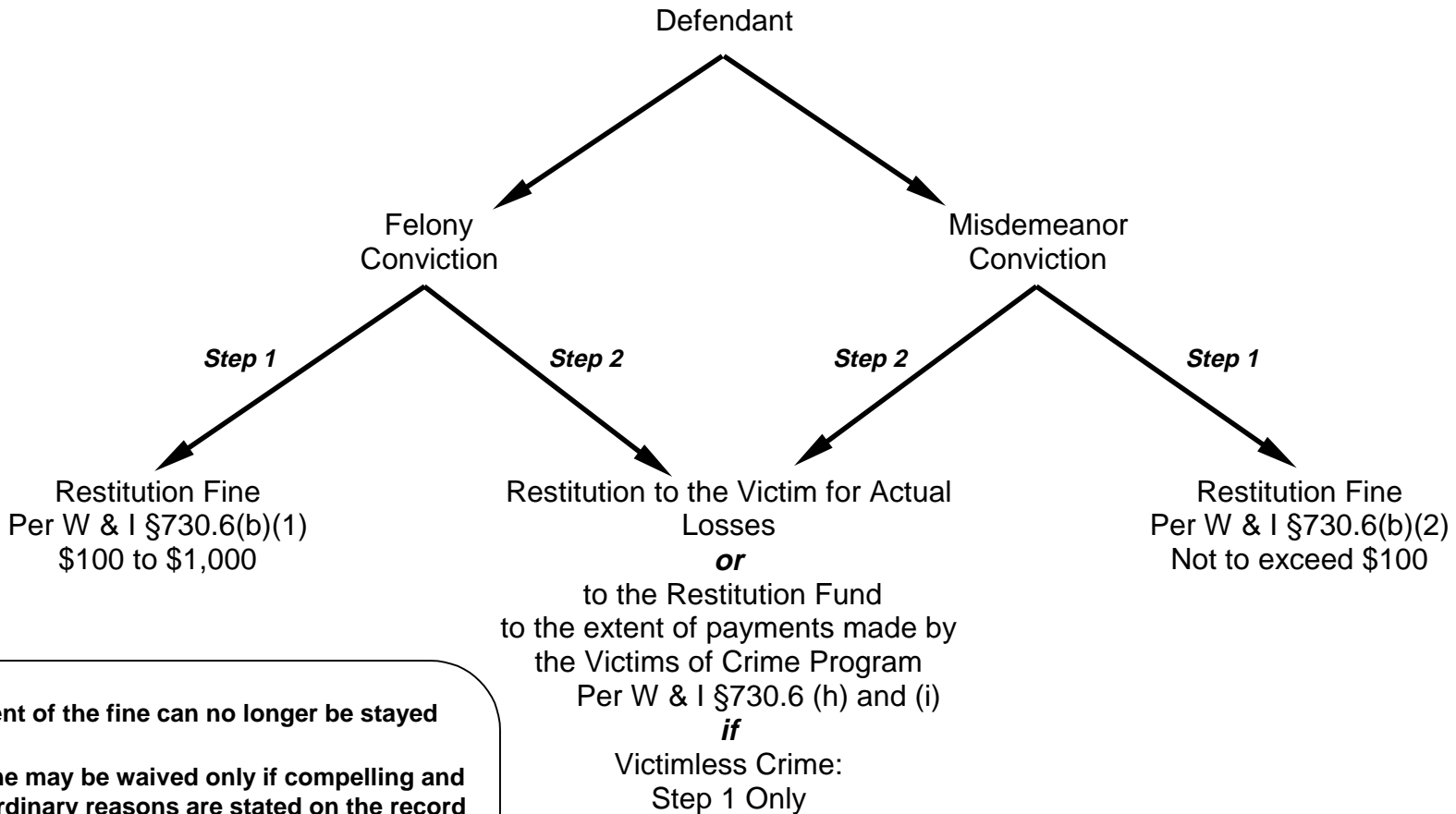
Restitution Fine:

- \$100 - \$1,000 for a felony conviction - Subdivision (b)(1)
- Not to exceed \$100 for a misdemeanor conviction - Subdivision (b)(2)
- ➔ The minimum will be ordered regardless the minor's inability to pay - Subdivision (c)
- ➔ Payment of the fine *cannot* be stayed
- ➔ The fine may be waived *only* if the court finds compelling and extraordinary reasons and states those reasons on the record - Subdivision (g)
- ➔ A separate hearing for the fine is not required - Subdivision (b)(1)
- ➔ If sentenced to probation, payment of the fine shall be a condition - Subdivision (l)
- ➔ Parent(s) or guardian(s) may be jointly and severally liable - W & I § 730.7(a)

Restitution Order:

- To the victim or to the State Restitution Fund to the extent the victim received assistance from the Victims of Crime Program - Subdivisions (h) and (i)**
- ➔ The order may be reduced/waived *only* if the court finds compelling and extraordinary reasons and states those reasons on the record - Subdivision (h)
 - ➔ If sentenced to probation, payment of the order shall be a condition - Subdivision (l)
 - ➔ The court may modify the amount of the order on its own motion or on the motion of the district attorney, the victim or victims, or the minor. – Subdivision (h)(4)

Juvenile Restitution



- ✓ Payment of the fine can no longer be stayed
- ✓ The fine may be waived only if compelling and extraordinary reasons are stated on the record
- ✓ The order may be reduced/waived only if compelling and extraordinary reasons are stated on the record
- ✓ Parent(s) or guardian(s) may be jointly and severally liable